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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 GREGORY JEFFERSON,

9 Petitioner,

10 vs.

11 ROBERT LeGRAND, *et al.*,

12 Respondents.  
13

Case No. 3:16-cv-00100-HDM-WGC

**ORDER**

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15 This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254  
16 by a Nevada state prisoner.

17 Petitioner has filed a motion to proceed *in forma pauperis*. (ECF No. 1). Based on the  
18 information regarding petitioner's financial status, the Court finds that the motion to proceed *in*  
19 *forma pauperis* should be granted.

20 The Court has reviewed the habeas petition, and it shall be served on respondents.  
21 Respondents shall file a response to the petition, as set forth at the conclusion of this order.

22 Petitioner has filed a motion for the appointment of counsel. (ECF No. 1-2). Pursuant to 18  
23 U.S.C. § 3006A(2)(B), the district court has discretion to appoint counsel when it determines that  
24 the “interests of justice” require representation in a habeas corpus case. Petitioner has no  
25 constitutional right to appointed counsel in a federal habeas corpus proceeding. *Pennsylvania v.*  
26 *Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The  
27 decision to appoint counsel is within the Court’s discretion. *Chaney v. Lewis*, 801 F.2d 1191, 1196  
28 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th

1 Cir.), *cert. denied*, 469 U.S. 838 (1984). The petition on file in this action is sufficiently clear in  
2 presenting the issues that petitioner wishes to bring. The issues in this case are not complex.  
3 Because counsel is not justified in this instance, petitioner's motion is denied.

4 **IT IS THEREFORE ORDERED** that the application to proceed *in forma pauperis* (ECF  
5 No. 1) is **GRANTED**.

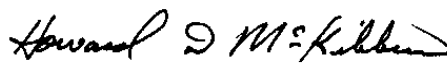
6 **IT IS FURTHER ORDERED** that the Clerk shall **FILE and ELECTRONICALLY**  
7 **SERVE** the petition (ECF No. 1-1) upon the respondents. The Clerk of Court **SHALL ADD**  
8 attorney General Adam Paul Laxalt to the CM/ECF docket sheet as counsel for respondents.

9 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from the  
10 date of entry of this order within which to answer, or otherwise respond to, the petition. In their  
11 answer or other response, respondents shall address all claims presented in the petition.  
12 Respondents shall raise all potential affirmative defenses in the initial responsive pleading,  
13 including lack of exhaustion and procedural default. **Successive motions to dismiss will not be**  
14 **entertained**. If an answer is filed, respondents shall comply with the requirements of Rule 5 of the  
15 Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If an  
16 answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer to  
17 file a reply.

18 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall  
19 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy  
20 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**  
21 Division of the Clerk of Court.

22 **IT IS FURTHER ORDERED** that petitioner's motion for the appointment of counsel (ECF  
23 No. 1-2) is **DENIED**.

24 Dated this 10<sup>th</sup> day of August, 2016.

26 

27 HOWARD D. McKIBBEN  
28 UNITED STATES DISTRICT JUDGE